IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3801 of 2005

Between:

Sri Visweswara Malleswara Swami Devasthanams, rep. by its Chairman, Velagaduru, Undrajavaram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Commissioner of Endowments, Hyderabad, A.P.
2 The Assistant Commissioner of Endowments Department, Eluru, West Godavari District.
3 The Person in Management/E.O., Sri Visweswara Malleswaraswami Temple, Velagaduru, Undrajavaram Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of mandamus declaring the action of the respondents in not conducting the public auction of the Devasthanam lands of the petitioner as illegal, arbitrary and unconstitutional and direct the respondents to put public auction of the Devasthanam lands of the petitioner forthwith and to pass such other or further orders as this Honourable Court may deem fit.

Counsel for the Petitioner: MR.SRIMAN

Counsel for the Respondent Nos 1 and 2 .: GP FOR ENDOWMENTS

Counsel for the Respondent No: 3: Smt. N. Indira.

The Court at the stage of admission made the following :

ORAL ORDER:

Heard. Perused the material placed before me.

Petitioner claims to be the Chairman of Sri Visweswara Malleswara Swami Devasthanams, Velagaduru, West Godavari District. He seeks a direction to the respondents to conduct public auction of the lands belonging to the Devasthanam, on various grounds.

It is needless to state that the earlier legal position with regard to Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity 'the Act'), has now been affirmed by the Supreme Court in *STATE OF ANDHRA PRADESH VS. NALLAMILLI RAMA REDDY AND OTHERS*. Consequently, all the leases of the temple lands have been cancelled. In such a case, if the temple authorities want to alienate the lands of the temple, a procedure had been contemplated under Section 80 of the Act.

Now the petitioner wants a direction to the respondents to put the lands of the temple to public auction for the benefit and better management of the temple.

However, in view of the decision rendered by the Supreme Court in the judgment cited above, there cannot be any difficulty for the respondents-authorities to proceed in accordance with the law.

With the above observations, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 07-03-2005

To

1 The Commissioner of Endowments, Hyderabad, A.P.
2 The Assistant Commissioner of Endowments Department, Eluru, West Godavari District.
3 The Person in Management/E.O., Sri Visweswara Malleswaraswami Temple, Velagaduru, Undrajavaram Mandal, West Godavari District.

4 Two CCs to The GP for Endowments, High Court buildings, Hyderabad.

5 Two CDs.